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October 18, 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Mr. William F. Caton
Acting Secretary
Federal Communications Commission
Room 222
1919 M Street, N.W.
Washington, D.C. 20554

Re: Comments of Notice of Proposed Rule Making,
MM Docket 93-226

Dear Mr. Caton:

Enclosed herewith are five copies (original and four) of Comments by this firm, "In the Matter of Restrict Rounding of Distance Separation Calculations, Notice of Proposed Rule Making, MM Docket 93-226, FCC 93-373".

If there are any questions, please do not hesitate to contact this office.

Sincerely,

COHEN, DIPPELL AND EVERIST, P.C.


Donald G. Everist
President

DGE:mcw
Enclosure

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Before the
Federal Communications Commission
Washington, D.C.

OCT 11 8 1993

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)

Restrict Rounding of Distance)
Separation Calculations)

MM Docket No. 93-226
[FCC 93-373]

COHEN, DIPPELL AND EVERIST, P.C.
REGARDING NOTICE OF PROPOSED RULE MAKING

The following comments are provided by Cohen, Dippell and Everist, P.C., Consulting Engineers ("CDE") on the Notice of Proposed Rule Making ("Notice") adopted July 27, 1993 (released August 27, 1993). CDE and its predecessors have practiced before the Federal Communications Commission ("FCC") for more than fifty (50) years representing the broadcast industry on professional engineering matters.

In the Notice, the Commission addressed certain issues relating to the compliance of the Commission's minimum distance spacings between FM stations. In instances where an applicant's site is not in compliance with the rules, the Commission proposes to compute the distance to the nearest 1/100th of a kilometer (10 meters), or to two decimal places.^{1/}

CDE understands the Commission's desire to expedite its decision-making processes in comparative hearings and other situations. However, of utmost importance is how the Commission

^{1/}The Commission's Notice contends the adoption of this modification will reduce interference to FM stations. We do not believe that the current rule permits any significant interference due to the planning factors involved.

intends to apply the particular rule to existing sites that are or may become short-spaced due to this rule change. It is imperative the Commission state how these situations will be treated. In addition, CDE wishes to apprise the Commission of its following observations over the years.

First, both the FCC and the FAA request site data information to the nearest second. Under its, "hard look" policy the FCC has required submission of verifiable site locations plotted on USGS 7.5 minute series topographic maps and has allowed "interpretation errors" up to one second. Hence, site locations prepared under this policy may be up to one second in latitude (approximately 30 meters) and one second in longitude (approximately 25 meters) in error; for a total potential error of 39 meters.

Second, applications prepared prior to the "hard look" period may be further in error since less diligence (or where up-to-date maps were unavailable) was required in determining the site locations; particularly in areas where the only available reference was a 15-minute topographic map.

Third, during the course of preparing FM applications, this office has notified several site corrections in geographic coordinates to the FCC; often based on USGS plot of the actual tower site on photorevised updated maps.

COHEN, DIPPELL AND EVERIST, P. C.

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As an alternative, CDE recommends that the distance be rounded to the nearest 0.1 km for the following reasons:

- (a) This methodology is consistent with TV rules
- (b) Lends flexibility to siting of antenna tower to optimum location on property since minor deviations of less than 100 meters would not result in violation of minimum spacing rules.
- (c) Errors in geographic coordinates^{2/} of less than one second in longitude and latitude^{3/} will not result in violations of minimum spacing rule.

Furthermore, it is unclear how the rule will be applied to adjacent countries for which the United States has agreements.

Therefore, the purpose of this filing is to have the Commission firmly establish when and how the revised Section 73.208(c)(8) of the rules will be used. Historically, over the years CDE has seen rule interpretations "evolve" such that the original intent of the rule becomes obscured.

Respectfully Submitted By,

COHEN, DIPPELL AND EVERIST, P.C.


Donald G. Everist

^{2/}CDE, therefore, submits that it is not possible with any degree of reliability to determine station spacings to the accuracy desired in the Notice based on "official" FCC coordinates of all the FM stations.

^{3/}We note adoption of NAD-83 coordinates system would result in different geographic coordinates for most stations. Adoption of more restrictive rules will complicate the conversion to NAD-83 coordinates.